

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

ENRON CREDITORS RECOVERY
CORP., *et al.*,

Reorganized Debtors.

ENRON CREDITORS RECOVERY
CORP.,

Appellant,

v.

INTERNATIONAL FINANCE CORP.,
et al.,

Appellees.

Chapter 11

Case No. 01-16034 (AJG)

Jointly Administered

Adv. Pro. No. 03-93370 (AJG)

District Court

Case No. 07-06597 (AKH)

**DECLARATION OF STEPHEN J.
SHIMSHAK**

STEPHEN J. SHIMSHAK declares:

1. I am a member of the firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, attorneys for appellees in the above-captioned appeal (the "Appeal").
2. I respectfully submit this declaration under 28 U.S.C. § 1746 to provide the Court with copies of documents referred to in appellees' accompanying memorandum of law in support of appellees' motion to dismiss the Appeal. I have drawn all of the items identified below from the record designated in the Appeal. Specifically:

(a) Annexed as Exhibit 1 is a copy of the Complaint filed in the adversary proceeding underlying the Appeal (Bankruptcy Court Docket No. 1);

(b) Annexed as Exhibit 2 is a copy of the So Ordered Stipulation Dismissing Complaint Against Defendant Metropolitan West Capital Management (Bankruptcy Court Docket No. 19);

(c) Annexed as Exhibit 3 is a copy of the So Ordered Stipulation Dismissing Adversary Proceeding Against International Finance Corporation and European Bank for Reconstruction and Development (Bankruptcy Court Docket No. 22);

(d) Annexed as Exhibit 4 is a copy of the Defendant Dexia Bank's Motion to Dismiss Adversary Proceeding (Bankruptcy Court Docket No. 31);

(e) Annexed as Exhibit 5 is a copy of the Motion to Dismiss Adversary Proceeding (Bankruptcy Court Docket No. 36);

(f) Annexed as Exhibit 6 is a copy of the Motion to Dismiss Adversary Proceeding (Bankruptcy Court Docket No. 38);

(g) Annexed as Exhibit 7 is a copy of the Motion of Defendant Protective Life Corporation to Dismiss the Adversary Complaint (Bankruptcy Court Docket No. 80);

(h) Annexed as Exhibit 8 is a copy of the Motion of Caisse de Depot et Placement du Quebec to Dismiss Adversary Complaint With Prejudice (Bankruptcy Court Docket No. 57);

(i) Annexed as Exhibit 9 is a copy of the Motion to Dismiss Adversary Proceeding (Bankruptcy Court Docket No. 103);

(j) Annexed as Exhibit 10 is a copy of *Enron Corp. v. International Finance Corp. (In re Enron Corp. et al.)*, 341 B.R. 451 (Bankr. S.D.N.Y. 2006);

(k) Annexed as Exhibit 11 is a copy of the Order Granting Motions to Dismiss by Certain Defendants, dated June 15, 2006 (Bankruptcy Court Docket No. 138);

(l) Annexed as Exhibit 12 is a copy of the Notice of Settlement of an Order, dated May 5, 2006 (Bankruptcy Court Docket No. 130);

(m) Annexed as Exhibit 13 is as copy of the Judgment, dated August 9, 2006 (Bankruptcy Court Docket No. 141);

(n) Annexed as Exhibit 14 is a copy of *Enron Corp. v. International Finance Corp. (In re Enron Corp. et al.)*, 343 B.R. 75 (Bankr. S.D.N.Y. 2006);

(o) Annexed as Exhibit 15 is a copy of the Order Granting Motions to Dismiss by Caisse de Dépôt et placement du Québec and National Australia Bank, dated June 5, 2006 (Bankruptcy Court Docket No. 137);

(p) Annexed as Exhibit 16 is a copy of Judgment, dated August 9, 2006 (Bankruptcy Court Docket No. 140);

(q) Annexed as Exhibit 17 is a copy of the Clerk's Entry of Default entered against the defendant CDC Investment Management Corp. (Bankruptcy Court Docket No. 67);

(r) Annexed as Exhibit 18 is a copy of the Order Granting Default Judgment (Bankruptcy Court Docket No. 76);

(s) Annexed as Exhibit 19 is a copy of the Answer of Berkeley Capital Management, LLC (Bankruptcy Court Docket No. 110);

(t) Annexed as Exhibit 20 is a copy of the Motions for Admission to Practice, *Pro Hac Vice* (Bankruptcy Court Docket Nos. 150, 151, 152);

(u) Annexed as Exhibit 21 is a copy of the Stipulation and Order Vacating Default Judgment and Dismissing Action Against CDC Investment Management Corp. (Bankruptcy Court Docket No. 153);

(v) Annexed as Exhibit 22 is a copy of the So Ordered Stipulation and Order signed Dismissing Action Against Berkeley Capital Management, LLC. (Bankruptcy Court Docket No. 154);

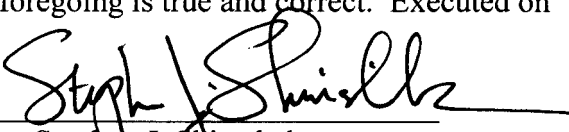
(w) Annexed as Exhibit 23 is a copy of the Notice of Dismissal of Action Against AP Funding (Bankruptcy Court Docket No. 155);

(x) Annexed as Exhibit 24 is a copy of the Judgment, dated June 18, 2007 (Bankruptcy Court Docket No. 156);

(y) Annexed as Exhibit 25 is a copy of the Notice of Withdrawal and Substitution of Counsel (Bankruptcy Court Docket No. 157); and

(z) Annexed as Exhibit 26 is a copy of the Notice of Appeal (District Court Docket No. 1).

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 1, 2007.


Stephen J. Shimshak